

ENTERED

February 12, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

| | | |
|---|---|---------------------------------|
| INTREPID SHIP MANAGEMENT, INC., | § | |
| VESSEL MANAGEMENT SERVICES, INC. | § | |
| and CROWLEY MARITIME CORP. | § | |
| | § | |
| V. | § | CIVIL ACTION NO. G-12-243 |
| | § | (Consolidated with G-12-cv-359) |
| OCEAN PROSPECTOR, her equipment, | § | |
| tackle, appurtenances, et., <i>in rem</i> , and | § | |
| PLANT RECOVERY COMPANY, | § | |
| <i>in personam</i> | § | |

REPORT AND RECOMMENDATION

Before the Court is the “Motion for Summary Judgment” of Plaintiffs Intrepid Ship Management, Inc., Vessel Management Services, Inc. and Crowley Maritime Corporation (collectively “Crowley”); the motion seeks the dismissal of the claims of Plant Recovery Company, PRC Environmental, Inc. and Prospector Rig Management MGMT, LLC (collectively “PRC”).

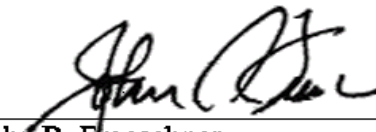
For the reasons set out in its Report and Recommendation (Instrument no. 189) the Court found that the PRC entities have never had any ownership interest in the Rig and therefore cannot assert any claim for property damage to it or for lost profits anticipated to flow from its conversion. These are the damages they seek to recover from Crowley. If the Report and Recommendation is adopted the PRC entities will have no standing to pursue these claims, they will be dismissed and this motion will be rendered moot.

It is, therefore, the **RECOMMENDATION** of this Court that Crowley’s Motion (Instrument no. 178) be **DENIED as moot**, without prejudice to being re-urged without refiling

if the Report and Recommendation is rejected and the District Court finds that the PRC entities have standing to further pursue their claims.

The Clerk **SHALL** send a copy of this Report and Recommendation to the Parties who **SHALL** have until **February 26, 2016**, to file objections pursuant to 28 U.S.C. §636(b)(1)(C). The Objections **SHALL** be electronically filed and/or mailed to the Clerk's Office at P.O. Drawer 2300, Galveston, Texas 77553. Failure to file written objections within the prescribed time **SHALL** bar any Party from attacking on appeal the factual findings and legal conclusions accepted by the District Judge, except upon grounds of plain error.

DONE at Galveston, Texas, this 12th day of February, 2016.



John R. Froeschner
United States Magistrate Judge